

REMARKS

This is a full and timely response to the Non-Final Office Action mailed April 2, 2009. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited. In the above amendments claims 1, 10 and 17 have been amended, and claims 9 and 20 have been cancelled. Claims 1, 3-8, 10-19 are now pending in this application, with claims 1, 10 and 17 being the independent claims.

Rejections Under 35 U.S.C. § 102 and 103

Claims 1, and 3-20 were rejected under 35 U.S.C. § 102 or 103 as allegedly being anticipated or unpatentable over Clarke (WO/02/074138). In this rejection, the Examiner stated that Clarke discloses a plurality of bin monitors coupled to a plurality of inventory storage devices that meet the claimed limitations.

Applicants respectfully disagree, and have amended independent claims 1, 10 and 17 to further distinguish over the cited Clarke reference. For example, independent claim 1 has been amended to recite that each of the plurality of bin monitors includes, *inter alia*, “a plurality of data fields that are remotely accessible through its transmitter” where “a first of the plurality of data fields configured to include component type identifying data, a second of the plurality of data fields configured to include usage history data”. Similar amendments have been made to independent claims 10 (in the context of a method claim) and 17 (in the context of a system claim with battery-powered bin monitors).

Applicants submit that the cited reference fails to disclose bin monitors that include such remotely accessible data fields. Specifically, while in the rejection of claim 9, the Examiner cites to page 11, fig 5, and the bar code of Clarke as comprising a data field, applicants submit that a “bar code” would not be remotely accessible through a transmitter. Furthermore, while Clarke does discuss the storage of component related data, such discussions are with regard to the “central monitoring and control station 102”, and not part of data fields that are included on the individual bin monitors. Furthermore, applicants can find no teaching in Clarke of the storage of usage history data in such remotely accessible data fields. Applicants note that the use of such remotely accessible

data fields in described in applicant's specification at paragraphs 0029-0031.

Thus, applicants submit that amended independent claim 1 is patentably distinct over the Clarke reference. Furthermore, as independent claims 10 and 17 include similar limitations, they are submitted to patentably distinct over Clarke for the same reasons. Furthermore, as the various dependent claims depend from, and include all the limitations of their respective independent claims, they are also submitted to be patentably distinct for the same reasons. The dependent claims are also deemed patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Conclusion

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

It is requested that a one-month extension of time be granted for the filing of this response. Please charge the appropriate extension filing fee of \$ 130.00 to Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091. If any additional fee is required for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for the additional fee.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

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By: /S. JARED PITTS/  
S. Jared Pitts,  
Reg. No. 38,579  
(480) 385-5060